

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 90-58(DSD)

United States of America,

Plaintiff,

v.

ORDER

Carl J. Draack,

Defendant.

This matter is before the court upon the pro se motion to seal by Carl J. Draack. Draack asks the court to seal his closed criminal case to preclude potential employers from discovering his criminal history. Draack previously requested that the court expunge his conviction for the same reason. The court denied that request for lack of jurisdiction, and it must also deny Draack's new request.

As an initial matter, the court notes that sealing Draack's case would not preclude third parties from learning about his conviction, but would merely prevent access to the specific documents in his case.¹ Further, in sealing documents, the court must balance the interests served by the right of access to

¹ Draack seems to be under the impression that his case was sealed until he filed a request with the court in 2013. In fact, the case was never under seal, but documents were only available in hard copy due to the court's filing system in place at the time the case was open. Now that the court has an electronic filing system, Draack's recent requests and corresponding orders are available online through NextGen ECF. Documents filed in hard copy form before the transition to electronic filing are only available through the clerk's office for the District of Minnesota.

judicial records against the interests served by maintaining confidentiality of the information sought to be sealed. Seidl v. Am. Century Cos., 799 F.3d 983, 994 (8th Cir. 2015). Here, the interest in maintaining open access to court records outweighs Draack's interest in keeping the details of his conviction from being disclosed.

Accordingly, **IT IS HEREBY ORDERED** that defendant's motion to seal [ECF No. 37] is denied.

Dated: January 24, 2017

s/David S. Doty
David S. Doty, Judge
United States District Court